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Robert H. Whisker
Pitney Bowes Inc.
World Headquarters
Stamford, CT 06926-0700

In re Application of :
Morton Silverberg :
Serial No. 07/459,058 : LETTER GRANTING
Filed: December 29, 1989 : FILING DATE
For: COMBINED PRINTER AND FACSIMILE:
APPARATUS AND METHOD FOR USE :
THEREOF :

This is in response to the petitions filed March 8 and 29, 1990 requesting that the above-identified application be accorded a filing date of December 29, 1989.

The application was deposited on December 29, 1989. However, on January 22, 1990, Application Branch mailed a Notice of Incomplete Application and a Notice to File Missing Parts of Application--No Filing Date stating that (1) page 19 containing claims 1-3 and an oath or declaration were missing, and (2) the filing date would be the date of receipt of the missing page 19 containing claims 1-3.

In response, on March 8 and 29, 1990, respectively the present petitions were filed. Petitioners argue that page 19 containing claims 1-3 was included when the application was deposited. Petitioners request that (1) the application be accorded a filing date of December 29, 1989 and (2) the requisite petition fee be charged to counsel's deposit account. In support of the petition, inter alia, (1) a copy of a postcard receipt which acknowledges receipt of twenty-four (24) pages, and (2) a Declaration by Suzanne Rodda were submitted. Page 19 containing claims 1-3, and a declaration and surcharge were also submitted.

Upon review of the record, the evidence is convincing that the application papers deposited December 29, 1989 contained twenty-four (24) pages including page 19. Therefore, the application was complete on filing and entitled to a filing date of December 29, 1989 under 37 CFR 1.53.

In view of the above, the request is granted. The petition fee will be refunded. Page 19 containing claims 1-3 submitted March 29, 1990 will be used for examination purposes.

The January 22, 1990 Notices were sent in error and are hereby vacated.

Receipt is acknowledged of an Assignment filed March 29, 1990 and an Information Disclosure Statement filed April 12, 1990.

The application is being forwarded to the Office of Finance for crediting the \$120.00 petition fee to counsel's Deposit Account No. 16-1885.

Thereafter, the application will be returned to Application Branch for further processing with a filing date of December 29, 1989.

Fred A. Silverberg
Fred A. Silverberg
Special Program Examiner
Office of the A/C for Patents

MT
Conferee: J. M. Thesz

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